

CHAPTER 333

EDUCATION - POSTSECONDARY

SENATE BILL 19-003

BY SENATOR(S) Zenzinger and Coram, Bridges, Cooke, Court, Donovan, Fenberg, Fields, Foote, Gardner, Ginal, Gonzales, Hisey, Moreno, Pettersen, Rankin, Rodriguez, Sonnenberg, Story, Todd, Williams A., Winter, Garcia;
also REPRESENTATIVE(S) McLachlan and Wilson, Arndt, Benavidez, Bird, Buckner, Buentello, Caraveo, Catlin, Coleman, Cutter, Duran, Esgar, Exum, Froelich, Galindo, Gonzales-Gutierrez, Gray, Hansen, Herod, Hooton, Jackson, Jaquez Lewis, Kipp, Kraft-Tharp, Lontine, McCluskie, Melton, Michaelson Jenet, Mullica, Roberts, Singer, Sirota, Snyder, Tipper, Titone, Valdez A., Valdez D., Weissman.

AN ACT

CONCERNING THE EDUCATOR LOAN FORGIVENESS PROGRAM TO ADDRESS EDUCATOR SHORTAGES, AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. In Colorado Revised Statutes, **add** 23-3.9-100.2 as follows:

23-3.9-100.2. Legislative declaration. (1) THE GENERAL ASSEMBLY FINDS THAT:

(a) COLORADO SUFFERS FROM A SHORTAGE OF TEACHERS AND OTHER EDUCATORS DUE TO VARIOUS FACTORS AFFECTING THE TEACHING PROFESSION, WHICH INCLUDE BUT ARE NOT LIMITED TO DECLINING ENROLLMENT AND COMPLETION OF EDUCATOR PREPARATION PROGRAMS, LOW EDUCATOR COMPENSATION AND BENEFITS, AN INSUFFICIENT NUMBER OF EDUCATORS IN CERTAIN CONTENT AREAS, AND DIFFICULTY IN FILLING EDUCATOR POSITIONS IN RURAL OR ISOLATED AREAS OF THE STATE;

(b) PURSUANT TO HOUSE BILL 17-1003, ENACTED IN 2017, THE DEPARTMENT OF HIGHER EDUCATION AND THE DEPARTMENT OF EDUCATION, WITH INPUT FROM EDUCATION AND COMMUNITY STAKEHOLDERS, ANALYZED TEACHER AND OTHER EDUCATOR SHORTAGES AND ISSUED A REPORT INCLUDING RECOMMENDATIONS FOR ADDRESSING THESE SHORTAGES;

(c) AS PART OF THEIR FINDINGS, THE DEPARTMENT OF HIGHER EDUCATION AND THE DEPARTMENT OF EDUCATION DETERMINED THAT THE STATE HAS EDUCATOR SHORTAGES IN EARLY CHILDHOOD EDUCATION; SCIENCE; MATHEMATICS; WORLD

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

LANGUAGES; SPECIAL EDUCATION; AND ART, MUSIC, AND DRAMA;

(d) FURTHER, SHORTAGES IN THESE CONTENT AREAS ARE MORE PRONOUNCED IN RURAL AND REMOTE RURAL AREAS WHERE SCHOOL DISTRICTS AND RURAL SCHOOLS FACE ADDITIONAL CHALLENGES, INCLUDING INADEQUATE TEACHER COMPENSATION, LACK OF AFFORDABLE HOUSING, AND AN INABILITY TO ATTRACT NEW TEACHERS TO RURAL COMMUNITIES; AND

(e) THE DEPARTMENT OF HIGHER EDUCATION AND THE DEPARTMENT OF EDUCATION FOUND THAT ONE STRATEGY FOR ADDRESSING TEACHER AND OTHER EDUCATOR SHORTAGES IN HARD-TO-FILL POSITIONS DUE TO TEACHING CONTENT AREA OR GEOGRAPHIC LOCATION IS TO OFFER LOAN REPAYMENT OF EDUCATIONAL LOANS FOR EDUCATORS WHO SERVE IN THESE HARD-TO-FILL POSITIONS IN THE STATE.

(2) THEREFORE, THE GENERAL ASSEMBLY DECLARES THAT IMPLEMENTING A LOAN FORGIVENESS PROGRAM FOR EDUCATORS EMPLOYED IN QUALIFIED POSITIONS IN THE STATE IS NECESSARY TO ENSURE THAT THE NEEDS OF STUDENTS ARE MET IN ALL COLORADO PUBLIC SCHOOLS.

SECTION 2. In Colorado Revised Statutes, 23-3.9-101, **amend** (4) and (5); **repeal** (3.5); and **add** (2.5), (3.7), and (6) as follows:

23-3.9-101. Definitions. As used in this part 1, unless the context otherwise requires:

(2.5) "EDUCATOR" MEANS A TEACHER, PRINCIPAL, OR SPECIAL SERVICES PROVIDER, AS THOSE TERMS ARE DEFINED IN SECTION 22-60.5-102; EXCEPT THAT A SPECIAL SERVICES PROVIDER NEED NOT BE EMPLOYED BY A SCHOOL DISTRICT.

~~(3.5) "High-poverty school" means a public school at which the number of pupils enrolled who are eligible for free lunch pursuant to the provisions of the federal "Richard B. Russell National School Lunch Act", 42 U.S.C. sec. 1751 et seq., is at least equal to or greater than twenty-eight percent of the school's student enrollment.~~

(3.7) "QUALIFIED LOAN" MEANS AN EDUCATIONAL LOAN INCURRED WHILE COMPLETING AN APPROVED EDUCATOR PREPARATION PROGRAM, AS DEFINED IN SECTION 23-1-121, OR A BACHELOR'S OR MASTER'S DEGREE IN THE AREA IN WHICH THE EDUCATOR IS EMPLOYED IN A QUALIFIED POSITION. THE COMMISSION SHALL DETERMINE IF A LOAN IS A QUALIFIED LOAN FOR PURPOSES OF THE EDUCATOR LOAN FORGIVENESS PROGRAM CREATED IN SECTION 23-3.9-102.

(4) "Qualified position" means:

(a) A ~~teaching~~ HARD-TO-STAFF EDUCATOR position in a ~~high-poverty school that is a Colorado elementary public school in a~~ RURAL SCHOOL OR rural school district or in a facility school that is in a rural school district IDENTIFIED BY THE DEPARTMENT OF EDUCATION PURSUANT TO SECTION 23-3.9-102 (6); or

(b) A ~~teaching~~ HARD-TO-STAFF EDUCATOR position in ~~math, science, special education, or linguistically diverse education in a~~ Colorado public school, A SCHOOL OPERATED BY A BOARD OF COOPERATIVE SERVICES CREATED PURSUANT TO ARTICLE

5 OF TITLE 22, OR A FACILITY SCHOOL IN A CONTENT SHORTAGE AREA IDENTIFIED PURSUANT TO SECTION 23-3.9-102 (6).

(5) "Rural school" OR "RURAL SCHOOL district" means a PUBLIC school OR SCHOOL district ~~that does not include within its geographic boundaries a municipality exceeding five thousand persons and that is characterized by sparse, widespread populations~~ IDENTIFIED BY THE DEPARTMENT OF EDUCATION PURSUANT TO SECTION 23-3.9-102 (6).

(6) "SCHOOL" OR "PUBLIC SCHOOL" MEANS A PUBLIC SCHOOL AS PROVIDED IN SECTION 22-1-101, INCLUDING A CHARTER SCHOOL AUTHORIZED BY A SCHOOL DISTRICT PURSUANT TO PART 1 OF ARTICLE 30.5 OF TITLE 22, AN INSTITUTE CHARTER SCHOOL AUTHORIZED BY THE STATE CHARTER SCHOOL INSTITUTE PURSUANT TO PART 5 OF ARTICLE 30.5 OF TITLE 22, OR A SCHOOL OPERATED BY A BOARD OF COOPERATIVE SERVICES CREATED AND OPERATING PURSUANT TO ARTICLE 5 OF TITLE 22.

SECTION 3. In Colorado Revised Statutes, **amend** 23-3.9-102 as follows:

23-3.9-102. Educator loan forgiveness program - administration - fund - eligibility. (1) (a) The general assembly ~~hereby~~ authorizes the commission to develop and maintain ~~a teacher~~ AN EDUCATOR loan forgiveness ~~pilot~~ program for implementation beginning in the ~~2001-02~~ 2019-20 academic year for payment of all or part of the principal and interest of the ~~educational~~ QUALIFIED loans of a ~~first-year teacher~~ AN EDUCATOR who is hired for a qualified position. ~~Beginning in the 2004-05 academic year, the commission is authorized to extend the teacher loan forgiveness pilot program to include payment of all or part of the principal and interest of the educational loans of a teacher who is hired to teach in a qualified position after the teacher's first year of teaching.~~ MONEY IN THE EDUCATOR LOAN FORGIVENESS FUND, CREATED IN SUBSECTION (1)(b) OF THIS SECTION, MAY BE USED ONLY FOR repayment of QUALIFIED loans through the ~~teacher~~ EDUCATOR loan forgiveness ~~pilot~~ program. ~~may be made using moneys in the teacher loan forgiveness fund, created in paragraph (b) of this subsection (1), or moneys allocated to the program by collegeinvest.~~ The commission is authorized to receive SEEK, ACCEPT, and expend gifts, grants, and donations for the ~~teacher~~ EDUCATOR loan forgiveness ~~pilot~~ program. ~~Only graduates of institutions of higher education whose loans have collegeinvest eligibility may receive repayment of their loans using moneys allocated to the program by collegeinvest~~ THE COMMISSION SHALL TRANSMIT ALL MONEY RECEIVED THROUGH GIFTS, GRANTS, OR DONATIONS TO THE STATE TREASURER, WHO SHALL CREDIT THE MONEY TO THE EDUCATOR LOAN FORGIVENESS FUND, CREATED IN SUBSECTION (1)(b) OF THIS SECTION. THE COMMISSION SHALL DEVELOP LOAN REPAYMENT POLICIES THAT ENSURE THAT MONEY IN THE EDUCATOR LOAN FORGIVENESS FUND IS USED FOR THE REPAYMENT OF QUALIFIED LOANS OF EDUCATORS EMPLOYED IN QUALIFIED POSITIONS.

(b) There is ~~hereby~~ created the ~~teacher~~ EDUCATOR loan forgiveness fund, which ~~shall consist~~ CONSISTS of all ~~moneys~~ MONEY appropriated ~~thereto~~ TO THE FUND by the general assembly for the ~~teacher~~ EDUCATOR loan forgiveness ~~pilot~~ program and any gifts, grants, and donations received for ~~said~~ THAT purpose. ~~Moneys~~ MONEY in the fund ~~are hereby~~ IS continuously appropriated to the department of higher education for the ~~teacher~~ EDUCATOR loan forgiveness ~~pilot~~ program. At the end of

any fiscal year, all unexpended and unencumbered ~~moneys~~ MONEY in the fund ~~shall remain therein~~ REMAINS IN THE FUND and shall not be credited or transferred to the general fund or any other fund; EXCEPT THAT ON AUGUST 30, 2033, ANY UNEXPENDED AND UNENCUMBERED MONEY IN THE FUND SHALL BE TRANSFERRED TO THE GENERAL FUND.

(C) SUBJECT TO AVAILABLE APPROPRIATIONS, THE COMMISSION SHALL ANNUALLY APPROVE APPLICATIONS FOR UP TO ONE HUNDRED NEW PARTICIPANTS IN THE EDUCATOR LOAN FORGIVENESS PROGRAM. IF MORE APPLICANTS APPLY THAN THE NUMBER OF NEW PARTICIPANTS AUTHORIZED FOR THE APPLICABLE YEAR, THE COMMISSION SHALL:

(I) FIRST, APPROVE APPLICANTS WHO HAVE CONTRACTED FOR A QUALIFIED POSITION IN A RURAL SCHOOL DISTRICT OR RURAL SCHOOL AND IN A CONTENT SHORTAGE AREA;

(II) SECOND, APPROVE APPLICANTS WHO HAVE CONTRACTED FOR A QUALIFIED POSITION IN A RURAL SCHOOL DISTRICT OR RURAL SCHOOL; AND

(III) THIRD, APPROVE APPLICANTS WHO HAVE CONTRACTED FOR A QUALIFIED POSITION IN A CONTENT SHORTAGE AREA.

(2) In addition to any qualifications specified by the commission, to qualify for the ~~teacher~~ EDUCATOR loan forgiveness ~~pilot program, a teacher~~ AN EDUCATOR shall:

(a) Graduate from an approved ~~program of~~ EDUCATOR preparation PROGRAM, AS DEFINED IN SECTION 23-1-121, OR, IF THE APPLICANT IS A SPECIAL SERVICES PROVIDER, SATISFY THE SPECIAL SERVICES PROVIDER PREPARATION REQUIREMENTS FOR LICENSURE;

(b) Meet licensure requirements pursuant to section 22-60.5-201 (1)(b) or (1)(c), SECTION 22-60.5-301 (1)(a) OR (1)(b), or SECTION 22-60.5-210; ~~C.R.S.;~~

(c) (I) Demonstrate professional competencies consistent with state board of education rules in the subject matter in which the ~~teacher~~ EDUCATOR obtains a qualified position; or

(II) Be fully qualified under a training program approved by a federal court or agency or the state department of education;

(d) ~~(f)~~ Contract for the ~~teacher's first year of teaching in~~ a qualified position, as defined in section 23-3.9-101, ~~(4)(b)~~, no earlier than June 2004 2019 and no later than the end of the ~~2008-09~~ 2027-28 academic year; ~~or~~ AND

~~(H)~~ If the teacher is not a first-year teacher, contract to teach in a qualified position, as defined in section 23-3.9-101 (4)(b), no earlier than June 2004 and no later than the end of the ~~2008-09~~ academic year; or

~~(HH)~~ Initially apply to participate in the program and teach in a qualified position, as defined in section 23-3.9-101 (4)(a), on or after June 1, 2005, and no later than

~~the end of the 2012-13 academic year;~~

~~(e) Work at least half-time in a qualified position if employed in a rural school district, or, beginning with the fall semester of the 2005-06 academic year, full-time in a qualified position if employed in a school district other than a rural school district; and~~

~~(f) Be liable for an outstanding balance on a collegeinvest QUALIFIED loan. or a loan through a lender with an agreement with collegeinvest to offer loans.~~

~~(3) A teacher AN EDUCATOR who qualifies under PURSUANT TO subsection (2) of this section may be eligible for up to two FIVE thousand dollars in loan forgiveness for the first year of teaching EACH YEAR OF EMPLOYMENT in a qualified position and up to two thousand dollars in loan forgiveness for each of the next three years of teaching in a qualified position FOR UP TO A TOTAL OF FIVE YEARS.~~

~~(3.5) Notwithstanding the provisions of subsection (3) of this section, a teacher who qualifies under subsection (2) of this section, initially applies to participate in the program in any of academic years 2009-10 to 2012-13, and teaches in a high-poverty elementary school in a rural school district shall be eligible for up to four thousand dollars in loan forgiveness for each of the first two years of teaching in a qualified position and up to one thousand dollars in loan forgiveness for each of the next two years of teaching in a qualified position.~~

~~(4) If a teacher AN EDUCATOR qualifies for the teacher EDUCATOR loan forgiveness pilot program through employment in a high-poverty elementary school in a rural school district QUALIFIED POSITION and in a subsequent academic year the school no longer meets the criteria to be classified as a high-poverty elementary school in a rural school district POSITION IS NO LONGER IDENTIFIED AS A QUALIFIED POSITION PURSUANT TO SUBSECTION (6) OF THIS SECTION, the teacher EDUCATOR may continue to participate in the teacher EDUCATOR loan forgiveness pilot program if he or she THE EDUCATOR continues to teach at the IN THE same school POSITION IN THE SAME LOCATION OR IN A DIFFERENT POSITION THAT IS A QUALIFIED POSITION.~~

~~(5) If a teacher AN EDUCATOR qualifies for the teacher EDUCATOR loan forgiveness pilot program through employment in a high-poverty elementary school in a rural school district and subsequently transfers to a nonqualifying school POSITION, he or she THE EDUCATOR forfeits participant status under PURSUANT TO this section.~~

~~(6) (a) FOR PURPOSES OF DEFINING A "QUALIFIED POSITION" PURSUANT TO SUBSECTION (4) OF THIS SECTION, the department of education shall annually identify: the public schools in the state that qualify as high-poverty elementary schools in~~

~~(I) Rural school districts BASED ON THE GEOGRAPHIC SIZE OF THE DISTRICT AND THE DISTANCE OF THE DISTRICT FROM THE NEAREST LARGE, URBANIZED AREA;~~

~~(II) RURAL SCHOOLS, WHICH MAY INCLUDE BUT ARE NOT LIMITED TO INDIVIDUAL SCHOOLS OF A SCHOOL DISTRICT EVEN THOUGH THE SCHOOL DISTRICT AS A WHOLE IS NOT IDENTIFIED AS A RURAL SCHOOL DISTRICT IF THE DEPARTMENT OF EDUCATION~~

DETERMINES THAT, AS A FUNCTION OF GEOGRAPHIC CHARACTERISTICS, THE SCHOOL IS EXPERIENCING EDUCATOR SHORTAGES THAT ARE NOT EXPERIENCED BY OTHER SCHOOLS OF THE SCHOOL DISTRICT;

(III) CONTENT SHORTAGE AREAS, WHICH MAY INCLUDE THOSE IDENTIFIED BY THE DEPARTMENT OF HIGHER EDUCATION AND DEPARTMENT OF EDUCATION IN THEIR NOVEMBER 2017 REPORT, "COLORADO'S TEACHER SHORTAGES: ATTRACTING AND RETAINING EXCELLENT EDUCATORS", AS WELL AS OTHER CONTENT SHORTAGE AREAS SPECIFIC TO COLORADO THAT DEVELOP OVER THE COURSE OF THE EDUCATOR LOAN FORGIVENESS PROGRAM. THE DEPARTMENT OF EDUCATION MAY IDENTIFY CONTENT SHORTAGE AREAS GENERALLY AND FOR SPECIFIC GEOGRAPHIC AREAS OF THE STATE.

(IV) HARD-TO-FILL EDUCATOR POSITIONS DUE TO GEOGRAPHY OR CONTENT SHORTAGE AREA, OR BOTH.

(b) AS PART OF ITS ANNUAL IDENTIFICATION OF RURAL SCHOOLS, SCHOOL DISTRICTS, AND CONTENT SHORTAGE AREAS, THE DEPARTMENT OF EDUCATION SHALL CONSIDER EDUCATION AND COMMUNITY STAKEHOLDER FEEDBACK.

SECTION 4. In Colorado Revised Statutes, **amend 23-3.9-103** as follows:

23-3.9-103. Reporting. NOTWITHSTANDING THE PROVISIONS OF SECTION 24-1-136 (11)(a)(I) TO THE CONTRARY, on or before December 15, ~~2002~~ 2019, and on or before ~~each~~ December 15 EACH YEAR thereafter IN WHICH AN EDUCATOR IS PARTICIPATING IN THE PROGRAM, the commission shall prepare an annual report that includes, but is not limited to, THE CONTENT SHORTAGE AREAS IDENTIFIED BY THE DEPARTMENT OF EDUCATION; THE NUMBER OF APPLICATIONS RECEIVED AND the number of participants in the program AWARDED LOAN FORGIVENESS, THE PUBLIC SCHOOLS IN WHICH THE PARTICIPANTS ARE EMPLOYED, AND DEMOGRAPHIC INFORMATION FOR THE PARTICIPANTS; THE APPROVED TEACHER PREPARATION PROGRAM ATTENDED BY THE PARTICIPANTS; AND the amount of ~~funds~~ MONEY applied toward loan forgiveness and the sources of ~~those funds~~ THE MONEY. THE REPORT MUST ALSO INCLUDE, FOR ALL PARTICIPANTS AWARDED LOAN FORGIVENESS, THE LENGTH OF TIME EACH PARTICIPANT HAS REMAINED IN THE PROGRAM AND HAS REMAINED TEACHING IN THE PUBLIC SCHOOL OR WITHIN THE SAME SCHOOL DISTRICT. The commission shall provide notice to the education committees of the senate and the house of representatives, OR ANY SUCCESSOR COMMITTEES, that the report is available to the members of the committees upon request.

SECTION 5. In Colorado Revised Statutes, **amend 23-3.9-104** as follows:

23-3.9-104. Repeal of part. This part 1 is repealed, effective July 1, ~~2019~~ SEPTEMBER 1, 2033.

SECTION 6. Appropriation. (1) For the 2019-20 state fiscal year, \$623,969 is appropriated to the department of higher education for use by the Colorado commission on higher education. This appropriation is from the general fund. To implement this act, the commission may use this appropriation as follows:

(a) \$123,969 for administration, which amount is based on an assumption that the

department will require an additional 1.4 FTE; and

(b) \$500,000 for student loan repayments.

SECTION 7. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: May 29, 2019